

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BIOSAFE-ONE, INC. d/b/a
WWW.BIOSAFEONE.COM
and CHRISTOPHER JORGENSEN,

Plaintiffs,

-against -

Case No.: 07 CV 6764
(DC) (DFE)

**NOTICE OF MOTION FOR A
PRELIMINARY INJUNCTION**

ROBERT HAWKS; BRAD SKIERKOWSKI;
NEWTECHBIO, USA a/k/a BRAD & COMPANY,
INC. d/b/a WWW.NEWTECHBIO.COM; and
WWW.JUMBOMORTGAGES101.COM
a/k/a JUMBOMORTGAGES.NET; and
BCI FUNDING GROUP

Defendants.

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Take notice that on August 29, 2007 at 11:00 A.M., or as soon thereafter as counsel can be heard, Plaintiffs, through their attorneys Oved & Oved LLP, will move the Court, at Courtroom No. 11A, United States Courthouse, Southern District of New York, 500 Pearl Street for a preliminary injunction, pursuant to Fed. R. Civ. P. 65 (a), seeking to:

(1) enjoin Robert Hawks, Brad Skierkowski, Newtechbio, USA, www.jumbomortgages.net, and BCI Funding Group ("Defendants"), their agents, servants, representatives, successors, assigns, affiliates, attorneys, employees, nominees and others acting in concert or participation with them, from:

- a. operating and conducting any business under the website located at the domain name www.newtechbio.com or any similar website;
- b. impersonating, stealing, or otherwise using Plaintiffs' corporate identity;
- c. contacting and/or communicating with Plaintiffs' customers, suppliers, vendors and advertisers;

- d. using Plaintiffs' Marks or any other mark or design which is a reproduction, counterfeit, copy or colorable imitation of Plaintiffs' Marks;
 - e. using Plaintiffs' Marks, trade name and/or identity, or any variations of Plaintiffs' Marks, trade name and/or identity, or any other mark confusingly similar to such Marks, trade name and/or identity or likely to cause dilution of the distinctiveness of the Marks or injury to Plaintiffs' business reputation, in connection with any service or products, sham service or sham products, or any other improper purpose, on the internet or in any other medium;
 - f. using any other trademark, service mark, trade name, corporate name, word, or symbol, or doing any other acts, likely to induce the belief that Defendants are in any way connected, endorsed, sponsored, employed by or associated with Plaintiffs or with Plaintiffs' products, services, website or businesses or doing any other acts likely to injure Plaintiffs' business reputation or to dilute the distinctive quality of Plaintiffs' Marks, Website, corporate identity and business;
 - g. purchasing Plaintiffs' Marks or continuing to use Plaintiffs' Marks as internet advertising keywords;
 - h. using any and all computer code, text, images, graphics, design or photographs taken or copied from Plaintiffs' Website, including, without limitation, all code, text, images, graphics, design or photographs referenced herein, and any work derived or comprising any element thereof; and
 - i. otherwise engaging in acts of unfair competition, use of Plaintiffs' intellectual property, and/or interference with Plaintiffs' business relationships; and
- (2) direct Defendants, their agents, servants, representatives, successors, assigns, affiliates, attorneys, employees, nominees, and others acting in concert or participation with them to immediately return all confidential information, intellectual property and/or other valuable property, data or information stolen from or otherwise belonging to Plaintiffs.

This motion is supported by an attorney declaration, the filed Verified Complaint with attached exhibits, and the Memorandum of Law, all of which are attached hereto.

Dated: New York, New York
August 6, 2007

A handwritten signature in black ink, consisting of a stylized 'D' followed by a large loop and a horizontal stroke.

Darren Oved (DO 9337)
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